



DEPARTMENT OF HEALTH AND HUMAN SERVICES

m40761
Food and Drug Administration
Seattle District
Pacific Region
22201 23rd Drive SE
Bothell, WA 98021-4421

Telephone: 425-486-8788
FAX: 425-483-4996

August 11, 2000

VIA FEDERAL EXPRESS

In reply refer to Warning Letter SEA 00-81

Leola Niederer, Owner
Evergreen Acres
65 South 1420 West
Rexburg, Idaho 83440

WARNING LETTER

Dear Ms. Niederer:

We inspected your firm located at 65 South 1420 West, Rexburg, Idaho, on July 13, 2000, and found that you have serious deviations from Title 21 of the Code of Federal Regulations (21 CFR) Part 110 – Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food. A FDA 483 form (copy enclosed) listing a deviation was presented to you at the conclusion of the inspection on July 13, 2000. This deviation causes your sprouts to be in violation of Section 402(a)(4) of the Federal Food, Drug, and Cosmetic Act (the Act). You can find this Act through links in FDA's homepage at www.fda.gov.

Your firm's sprouts are adulterated within the meaning of 402(a)(4) of the Act because they are being produced under insanitary conditions that may render the sprouts injurious to health. The conditions under which the sprouts are being produced are considered insanitary since effective preventive controls, particularly microbial testing of spent irrigation water, have not been adopted and implemented on all sprout products produced by your firm.

This letter may not list all the deviations at your facility. You are responsible for ensuring that your processing plant operates in compliance with the Act and the Good Manufacturing Practice regulations (21 CFR Part 110). You also have a responsibility to use procedures to prevent further violations of the Federal Food, Drug, and Cosmetic Act and all applicable regulations.

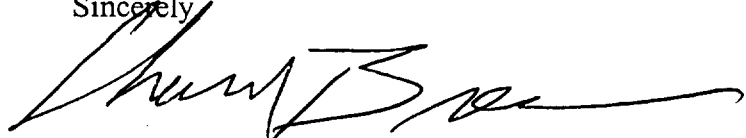
We may take further action if you do not promptly correct these violations. For instance, we may take further action to seize your product(s) and/or enjoin your firm from operating. Please respond in writing within three (3) weeks from your receipt of this letter. Your response should outline the specific things you are doing to correct these deviations. You may wish to include in your response documentation that would assist us in evaluating your corrections. If you cannot complete all corrections before you respond, we expect that you will explain the reason for your delay and state when you will correct any remaining deviations.

Leola Niederer, Owner
Evergreen Acres, Rexburg, Idaho
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For your information, our investigator noted that your sprouting cycle begins with soaking the seeds in a 20,000 parts per million (PPM) chlorine solution (4-oz. bleach/gallon water). If you are using commercial household bleach (i.e., 5.25% sodium hypochlorite) for your process, then this solution is not at 20,000 PPM. We suggest you consult our website at: <http://vm.cfsan.fda.gov/~dms/guidance.html#prod> for guidance on approved disinfecting treatments.

Please send your reply to the Food and Drug Administration, Attention: Diane J. Englund, Compliance Officer, 22201 23rd Drive SE, Bothell, Washington 98021-4421. If you have questions regarding any issue in this letter, please contact Diane J. Englund, Compliance Officer at (425) 483-4864 or via e-mail at denglund@ora.fda.gov.

Sincerely

A handwritten signature in black ink, appearing to read "Charles M. Breen", with a long horizontal flourish extending to the right.

Charles M. Breen
District Director

Enclosures:

Form FDA 483 dated June 16, 2000
21 CFR PART 110
Section 402 of the Federal Food, Drug, and Cosmetic Act

cc: ISDH with disclosure statement